

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SCOTT RICHARD GAGNON,)	
)	
Plaintiff,)	
)	
v.)	1:15-cv-00355-JDL
)	
JOSEPH FITZPATRICK, et al.,)	
)	
Defendants.)	

**ORDER ADOPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE AND GRANTING PLAINTIFF'S
REQUEST FOR WAIVER OF FILING FEE**

The United States Magistrate Judge filed his Recommended Decision (ECF No. 9) with the court on November 4, 2015, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). The Magistrate Judge, after conducting a preliminary review of Plaintiff Scott Richard Gagnon's complaint (ECF No. 1) in accordance with 28 U.S.C. §§ 1915 and 1915A, recommended that the court dismiss Plaintiff's complaint without service of process. ECF No. 9 at 1. On November 4, 2015, Plaintiff, who is proceeding *in forma pauperis*, see ECF No. 3, filed a motion to request service of process by the court. ECF No. 10.

The time within which to file objections to the Recommended Decision expired November 23, 2015, and no objections have been filed. The Magistrate Judge notified the Plaintiff that failure to object would waive his right to *de novo* review and appeal. On November 16, 2015, Plaintiff filed a motion to withdraw his complaint and for removal of his filing fee obligation. ECF No. 11.

It is **ORDERED** that the Recommended Decision of the Magistrate Judge (ECF No. 9) is hereby **ADOPTED** and Plaintiff's complaint (ECF No. 1) is **DISMISSED** without service, rendering moot Plaintiff's motion to withdraw his complaint (ECF No. 11). Plaintiff's separate request for waiver of his filing fee obligation (ECF No. 11) is **GRANTED**. Plaintiff's motion for service of process by the court (ECF No. 10) is moot.

SO ORDERED.

Dated this 11th day of December, 2015.

/s/ Jon D. Levy
U.S. DISTRICT JUDGE